

## REMARKS

The paragraph numbering of the Office Action is used in the following.

### **Paragraph 4**

Claims 132-145 were rejected under Section 101 as directed to non-statutory subject matter. It was noted in the Office Action that the second aspect of the test (regarding “a useful, concrete and tangible result”) was met by the claims.

Independent claim 132 has now been amended consistent with the Examiner’s suggestion. The third step of claim 132 now refers to deriving information with use “by a processor of deficiency information . . . and resource information . . .,” as provided. This is consistent with terminology used in claim 81.

Dependent claims 134 and 137-145 have similarly been amended to refer to utilization of a processor.

Entry of these amendments and reconsideration of the rejection of claims 132-145 under Section 101 are respectfully requested.

### **Paragraph 6**

All claims were rejected under Section 102(a) as being anticipated by WIPO Publication No. WO 99/45488 (the “WIPO Publication”).

As shown in the cover sheet of the WIPO Publication, the present inventor is a co-inventor of subject matter of the WIPO Publication, which has a publication date of 10 September 1999. That publication date is less than one year prior to the August 22, 2000,

filing date of the present application.

Pursuant to the provisions of Rule 132, a Declaration of the present inventor is enclosed (consistent with MPEP 716.10).

Entry and consideration of the enclosed Declaration, and removal of the WIPO Publication from consideration as an applicable reference are requested.

### **SUMMARY**

Entry and consideration of this amendment and the Rule 132 Declaration submitted herewith are requested.

Claims 132, 134 and 137-145 have been amended, not to change the scope in view of any prior art, but to address the rejection under Section 101. Reconsideration of these claims in their amended form is requested.

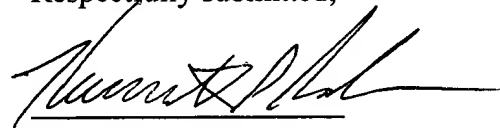
In response to the rejection based on the WIPO Publication, a Rule 132 Declaration of the inventor is provided. Entry thereof and removal of that Publication from consideration are requested.

Reconsideration of all objections and rejections, and allowance of claims 81-88 and 132-145, as amended, are requested. This application is considered to be in condition for allowance, which action is respectfully solicited.

Signed: December 13, 2004

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Respectfully submitted,



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